LOS ANGELES BAR BULLETIN

In This Issue

VOL. 24 MAY, 1949 NO. 9

Los Angeles
BAR BULLETIN

Official Monthly Publication of The Los Angeles Bar Association. Entered as second class matter October 15, 1943, at the Postoffice at Los Angeles, California, under Act of March 3, 1879. Subscription Price $1.00 a Year; 10c a Copy.

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REPORT OF FEDERAL COURTS CRIMINAL INDIGENT DEFENSE COMMITTEE

The Federal Courts Criminal Indigent Defense Committee on January 26, 1949, submitted to the Board of Trustees the following report of its work performed in the period from December 1, 1947, to November 30, 1948. The members of the committee were J. E. Simpson, chairman; Donald Armstrong, Bates Booth, Mark L. Herron, Fred Horowitz, Henry Huntington, John I. Irwin, Randolph Karr, Llewellyn J. Moses, Maurice Norcop, Clyde C. Shoemaker, and Ernest R. Utley.

REPORT OF THE COMMITTEE

During the past year the committee and panel functioned as in the previous year. One committee member was assigned each month to select attorneys to appear on arraignment and plea days during each month and to supervise the works of the panel members who did appear. Two panel members were assigned to appear each week, consisting of a junior and senior member.

The attorneys who volunteered to serve on the panels consisted of 95 seniors and 81 juniors, making a total of 176 panel members. Of this number 85 actually served. Some of them served several times either at their own request or upon appointment by the Court.

Number of cases in which appointments made	269
Pleas of guilty	115
Pleas of nolo contendere	15
Pleas of not guilty	15
Dismissals obtained on all counts	12
Number of trials	20

Verdicts of not guilty in cases tried	10
Verdicts of guilty	9
Number of court appearances required exclusive of trials	334
Time devoted exclusive of trials	51 days
Trial days	41½ days

The foregoing statistics are partial and incomplete due to the fact that the panel members' records are somewhat incomplete and some neglect to forward reports.

In addition to the foregoing the panel members handled a number of removal proceedings, juvenile proceedings and at least one sanity hearing. The number of not guilty verdicts includes cases dismissed after trial had begun, which is the equivalent of an acquittal because jeopardy has attached.

The troublesome problem continues of determining when a defendant may not be an indigent, frequently resulting in appointments being made in border line cases. Instances have arisen where appointments were made and it was later ascertained the defendant was not an indigent. The question whether appointments made in such cases, resulting from wilful misrepresentation made by the defendant to the Court constitutes contempt of court was submitted to the Board, which appointed a subcommittee to render an opinion, which has not been received.

Appointments were made in some cases and it was thereafter discovered that the defendant had means of employing counsel. The facts were reported to the Court and the attorney released. In some cases the defendant wished to hire the appointed attorney to represent him. The Board has ruled in such cases that the attorney may represent the defendant and be compensated for his services, provided the Court is advised of the facts.

In one case in which a motion to dismiss was granted upon the ground that the statute did not penalize the offense charged, a direct appeal was taken by the Government to the United States Supreme Court, which affirmed the ruling of the trial court.

In previous years the committee has recommended that legislation be enacted providing for the apointment of a Public Defender to represent indigents in the Federal Courts. The Department of Justice has advocated such legislation. Bills have been introduced in Congress to provide for Public Defenders,

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SUPERIOR COURTS HOUSE A REALITY

By Emmett E. Doherty*

The Los Angeles County Board of Supervisors has definitely gone on record with a commitment for the new Superior Courts Building. At a recent meeting a ceiling of $10,000,000 was placed for the actual construction of the building itself with completion estimated at approximately July 1, 1952. It will be a limit height structure and besides housing the Superior Courts will be headquarters for the County Clerk's department.

The Supervisors, after considering the estimates and plans submitted by Kistner, Curtis and Wright, Los Angeles architects, for which the highest priced building was in excess of $12,000,000, asked for revised specifications to keep within the $10,000,000 originally voted and to afford the 500,000 square feet of floor space at the rate of $20 per square foot.

General Wayne Allen, Chief Administrative Officer of the County, indicated numerous ways in which sufficient money could be saved to bring the cost down to $10,000,000. All the property needed for the site, bounded by Hill Street on the east, Temple Street on the south, Grand Avenue on the west and the new Hollywood Freeway on the north has been purchased. The new building will contain a total of 65 courtrooms made up of 47 civil jury courtrooms, 3 non-jury chambers, 5 probate courts, 3 domestic relations courts, 3 writs and receivers courts, 1 adoption court, 1 children's court of conciliation, 1 appellate court with chambers for 5 judges and 1 master calendar department for the presiding judge.

The Supervisors already have approximately $6,000,000 earmarked for the new Courthouse fund and expect to be able to

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1949 RENT ACT AND REGULATIONS

By Edwin D. Hamlin, Area Rent Attorney, Office of the Housing Expediter

THE Housing and Rent Act of 1949 which became effective April 1, 1949, is in fact an amendment to the Housing and Rent Act of 1947, as amended in 1948. Some provisions of the previous acts are not changed.

However, the changes which were made are quite extensive and sometimes drastic. It will be our object in this article to very briefly outline these new provisions, some of them contained in the Act and some in the Regulations.

In the eviction field, controls over eviction are henceforth governed by Regulations of the Expediter instead of the provisions of the Act (Section 209) which had been in effect since July 1, 1947.

PROPERTIES RECONTROLLED

Two classes of properties are *recontrolled* by the Housing and Rent Act of 1949, as follows:

1. Those housing accommodations which were decontrolled by virtue of a lease which complied with the 1947 Act, and which was terminated prior to March 31, 1948.
2. Properties which were decontrolled by reason of "not being rented" (other than to a member of the immediate family of the landlord) for a consecutive twenty-four month period between February 1, 1945, and March 30, 1948.

These controls are automatic but, of course, only effective on and after April 1, 1949. This is accomplished by amended Sections 202(c)(3) and 204(b)(2).

CONVERSIONS STILL DECONTROLLED

As to conversions which were made prior to April 1, 1949, and which meet the requiremnts established at that time, they remain decontrolled. New conversions, that is, conversion to additional housing accommodations on which the work is done after April 1, 1949, are eligible to decontrol but remain controlled until the landlord has petitioned the Area Rent Office for an order and such an order has been entered.

HOTELS AND MOTELS AND NEW CONSTRUCTION

There is no change in the provisions in the Act for decontrol of hotels in this area, motels, and construction completed after February 1, 1947. The same tests as to whether hotels and motels meet the requirements of the Act are applicable as those required previously.

EVICTION PROCEDURE

The Eviction Procedure is again governed by Regulations of the Housing Expediter as it was for the first five years of rent control. Notice requirements, however, in cases where no certificate is required vary according to the grounds. A copy of every notice served must be filed with the Area Rent Office within twenty-four hours after service on the tenant. Below we give a brief tabulation of the length of notices required:

1. Non-payment of rent. 3 days.
2. Violation of substantial obligation. 10 days.
   It is to be observed that a ten-day notice on this ground must be preceded by a written notice that the "violation cease." No time is specified as to the length of the "cease" notice. It was formerly construed to mean "a reasonable time."
3. Nuisance. 10 days.
4. Refusal to access. 1 month.
   It is our position that a tenant's refusal of access is only a ground for eviction if the landlord reserved the right to show the accommodations, or to inspect and in the face of that reservation, the tenant refused access. If there was no reservation of right to show or inspect in the rental agreement, it is our position that the tenant has a right to refuse access under local law and the tenant's refusal under such conditions is not a ground for eviction. *Note* Proviso in Regulation Section 6(a)(3).
5. Accommodations entirely sublet. 2 months.
6. Landlord a State or Political sub-division. 2 months.
7. Company housing. 2 months.

EVICTION CERTIFICATES

Except for the above reasons the landlord may not evict a tenant unless he first obtains from the Area Rent Office an eviction certificate.

The Regulations provide for a waiting period which varies according to the ground or purpose. The waiting period for owner-occupancy or relative occupancy is to be three months.

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THE THREE LAWS OF PEACE

By Hon. William J. Palmer*

THE PIONEERING HAS BEEN DONE

NO WAY to international peace exists except by the three laws presented in Part 1,[1] and we cannot too soon face that fact honestly and daringly. Most of the pioneering has been done, but failure to take advantage of it and to move forward not only has cost us wars with their incalculable losses, but has set us back an unknowable distance in the foothills of progress. As far back as 1823, we put into effect, to a limited extent, the first of the three laws of peace. In December of that year, President Monroe, in a message to Congress, made a statement since regarded as a policy pronouncement of the United States Government and known as the Monroe Doctrine. He did not lay down the law precisely as it has been stated in this writing, but in effect he told the European nations that any trespass upon the independence or political integrity of any American nation would be regarded as an act of war against the United States. We cannot know exactly how much credit ought to be given to that hands-off notice, but apparently, except for fifth-column operations, no nation has dared risk the consequences of ignoring the notice.

MAGNIFICENT ACHIEVEMENT, THE LEAGUE OF NATIONS

The Covenant of the League of Nations revealed a clear identification of the three laws of peace and an enlightened effort to establish and enforce those laws.

Article 16 provided in part as follows:

> "1. Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immedi-

*Judge of the Superior Court for Los Angeles County. For an abbreviated biographical sketch of Judge Palmer, see 24 LOS ANGELES BAR BULLETIN, 233.

EDITOR'S NOTE: This is a second of three parts of Judge Palmer's interesting and informative article. The third part will be published in an early number of the BULLETIN.

[1]24 LOS ANGELES BAR BULLETIN, 233 (April, 1949).

ately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the Covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

"2. It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

"3. The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the Covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are cooperating to protect the covenants of the League."

UNEQUIVOCAL COMMITMENTS

Article 10 provided as follows:

"The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled."

Article 11 provided in part as follows:

"Any war or threat of war, whether immediately affecting any of the Members of the League or not, *is hereby declared a matter of concern to the whole League*, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations."

Article 12 provided in part as follows:

"The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture they will submit the matter either to arbitration *or judicial settlement* or to enquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators *or the judicial decision* or the report by the Council."

Article 13 provided in part as follows:

"The Members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration or *judicial settlement*, and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration *or judicial settlement*.

. . . .

"The Members of the League agree that they will carry out in full good faith any award *or decision* that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award *or decision*, the Council shall propose what steps should be taken to give effect thereto."

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DEAN COFFMAN ADDRESSES THE ASSOCIATION

Recently, after enough suspense to form the basis for a radio soap opera, a man was selected for an important job at UCLA. When this man arrived in Los Angeles from his former position at Vanderbilt, the papers and radio advised us almost daily of his system, of play, his background and temperament; and his face was familiar to even the tiniest tyke. When he found that the equipment used by the rebel branch of the University of California was badly in need of repair, it was a feature newspaper story. All this is readily understandable—this man was going to build a football team which would delight us sport fans and make the nation take notice of UCLA and the Pacific Coast.

About the same time another gentleman from Vanderbilt accepted another key position at UCLA. The local papers, however, gave considerably less publicity to his arrival and did not deem it newsworthy that he was unable to find classrooms—the basic equipment for his work. A cynic of our society might gain considerable delight from the fact that newswise the minor role was played by this second man, L. Dale Coffman, who was to establish a law school.

At a recent luncheon meeting, members of the Los Angeles Bar Association had the opportunity to see and hear the man charged with the job of building the UCLA School of Law. Dean Coffman set forth his views that the role of the lawyer in present day society is to champion a sound political philosophy, grounded in thrift and economy, serving as a bulwark against both the confusion of rapidly changing conditions and the spread of bigotry.

To learn Dean Coffman's plans for a law school, I subsequently spoke to him at his temporary office, buried in an inconspicuous corner of the UCLA Library building. The law school will formally open in September of this year with a first year class limited to 50 students, a 6 man faculty, and the nucleus of a library consisting of 25,000 to 30,000 books. The registrar has estimated that there will be approximately 1100 applications and hence, considerable selectivity will be involved in determining those who will attend the first year. Probably

never again in the history of the school will there be as close a student-faculty relationship as will exist during the first year; and in an attempt to become better acquainted with the students, Dean Coffman plans to teach Torts to this first year class despite the pressing administrative problems of establishing an extended curriculum, securing an adequately trained faculty, and supervising the construction of the necessary buildings.

The first year courses will be the normal fundamental ones, which Dean Coffman calls "blocking and tackling" (doubtlessly the influence of Red Sanders, the new football coach), such as Torts, Contracts, Property, Criminal Law, Agency, and an introductory course to law. The second and third year courses have not yet been determined, but according to present plans, Administrative Law and Constitutional Law will be required in the second year course. Traditionally they are third year electives, but Dean Coffman considers them fundamental background for public law courses, *i.e.*, Labor Law, Government Regulation of Business, etc., which are to be third year electives.

The experience of having solved the labor problems for General Electric as well as having tried all of its broadcasting cases before Federal commissions for a period of ten years, renders Dean Coffman particularly able to expound the practical sides of administrative and labor law—two of the courses which he will subsequently teach at the new law school. And this is in conformance with the Dean's views that the law school should familiarize the students with the practical side of law without becoming a trade school. He cites with considerable pleasure the fact that some of the students, while taking the course in legislation at Vanderbilt, drew model statutes. Two of these model statutes were subsequently introduced into the state legislature. Dean Coffman quickly added that the bills were not "pushed" or sponsored by either the class or the school, and for an O'Henry twist, added that neither bill had passed the legislature.

I have now heard Dean Coffman explain his legal "blocking and tackling" and I have watched Red Sanders teach his at a recent spring football practice. The pair from Vanderbilt are going to bring real blocking and tackling to both the gridiron and classroom of UCLA.—C. I. L.

THE ARMY CODE

By Colonel Alfred C. Bowman, GSC (JAGC)*

"*I would wish that . . . the superfluous and tedious statutes were brought into one sum together, and made more plain and short, to the intent that men might better understand them . . .*" Edward VI—Discourse on the Reformation of Abuses (1551; Age 14).

The boy king's entreaty has for decades been echoed by Army administrators wrestling with a vast conglomerate of statutory law which has to be sought in so many places that it is frequently not found at all.

Distilling the essence of enacted law through judicial construction and administrative interpretation, to permit practical application, is pleasant work for lawyers and does not impose an undue burden on a prosperous civilian economy. It is peculiarly an integral part of the American free enterprise system, although California and some other jurisdictions have not hesitated to ameliorate its more wasteful consequences by adopting codes.

However, uncertainty as to the law, like other conditions tolerable or even desirable in civilian affairs, is an outright menace in the Army, whose whole function depends on action, not cogitation. In military business, fine points must yield to mobility and flexibility; ponderous law libraries affect mobility, and consume space and facilities needed for rations and equipment; battles are lost by delayed decisions which, more often than civilians think, have legal aspects.

The American Army, nevertheless, is inescapably a creature of law. Its very existence is based on express authority granted to Congress by the Constitution. Its organization is statutory. Its life-blood consists of funds flowing from appropriation Acts. In time of peace everything it does is regulated by law, and its

*Chief, Joint Army-Air Force Statutory Revision Group. Col. Bowman is a member of the Association. Formerly he practiced law in Los Angeles in association with Judge John J. Ford. During the war he directed the military government of one of the twelve principal areas of Italy, and for more than two years after VE Day he was Military Governor of the bitterly-contested British-American trusteeship area of Venezia Guilia (Trieste).

greater administrative freedom in wartime depends upon the statutory grace of Congress.

Clearly, the Army cannot avoid the law, *but it can and must make it easier to find, understand, and apply.*

Through the years, some very constructive efforts have been made to meet this recognized need, including The Judge Advocate General's empirically-compiled "Military Laws," and his interpretative "Opinions." In 1926 the new "United States Code" created Title 10 as a repository for the federal statutes which Congress regarded of primary interest to the Army.

Neither of these useful works is either exhaustive or finally authoritative. Title 10 is avowedly mere evidence of the law, and much Army material is classified in other parts of the "Code." Neither it nor the "Military Laws" can be safely used in a critical matter without reference to the *Statutes at Large*—those sixty ponderous, substantially-unindexed, volumes which lawyers will agree are quite unsuited for day-to-day use in the Army.

The impetus for immediate action toward the development of a "bible" of Army law was furnished by current reorginaziton planning which it was evident must be squarely based on a solid statutory foundation, accompanied by general tidying-up of the whole legal background. Codification was found to be essential, both as a basis for reorginaziton and as a measure for administrative efficiency.

To the Statutory Revision Group "in addition to its other duties" in preparing a new legal organizational statute was entrusted the mission: "To restate all Army law, eliminating the obsolete, consolidating related provisions, reconciling conflicts, clarifying language, and producing a convenient, logically-arranged Code for enactment into positive law."

The raw material included in the project comprised principally, of course, the Revised Statutes of 1878, the Statutes at Large, all fifty titles of the "United States Code," and The Judge Advocate General's "Military Laws" and "Opinions." These had to be considered in the light of relevant judicial decisions and a multitude of Opinions of The Attorney General and The Comptroller General, whose views on the *application* of the law are profoundly controlling for administrative purposes. Hundreds of

Executive Orders and Regulations which have by long usage become virtually parts of the law, required careful study. Special problems were presented by the fact that Army law has been uniquely influenced by diverse forces—written alternately by the frenzied hand of crisis and the rheumy fingers of disinterest—piecemeal, without perspective or coordination.

At first approach, the task of reducing this monumental bulk and diversity to handbook size and logical pattern seemed hopeless, but like any other problem it proved susceptible to solution by sound analysis, enlightened method, and sustained effort.

The elements can be simply stated: To assemble all the raw material in a form permitting ready access, and mechanical sorting and handling; after analysis, to devise a working classification or framework permitting logical groupings, easy discovery, and functional association of related matters; fitting the raw material into the framework; rearranging and rewording to accomplish clarity and brevity without affecting basic meaning; molding the whole into a finished logical pattern. It's easy to say, less easy to do.

The first step was to cut physically from the books all the "raw material"—the law and its extensions—and to paste it on 5″ x 8″ cards of varying colors denoting the nature and sources of the subject matter. These were grouped into 4,500 "basic units" averaging 20 cards apiece, each consisting of the text of a section of a statute as extracted in the United States Code, accompanied by all functionally-related material.

Next was developed the "Analysis for Revision," an analytical working outline of code arrangement—in itself a delicate and monumental job engaging the sweat and tears of several legal officers over a period of six months. In its preparation, tradition and precedent as such were wholly disregarded.

The material was divided into four principal parts—"Organization," "Personnel," "Intelligence, Operations and Training," and "Service, Supply, and Procurement," each arranged functionally, and proceeding as logically as the subject-matter permitted from one related topic to another, and from the general to the specific. This abandonment of previous patterns of arrangement had to be accomplished without controversial changes of substance, which will be subjects of later specific amendment of the enacted Code.

The basic units have been arranged in accordance with this framework, and the current phase is the professional one—that of editing and composition. The cut-and-pasted material is being subjected to microscopic examination in the light of related sources and commentaries, the objects of which are again much easier to state than to attain: the organization and language of the law must be made to relate to the substantive subjects treated, rather than to offices, persons, or traditional concepts; closely-related subjects must be consolidated into single terse statements, simplified by replacing complex phraseology with lucid statements having obvious meanings; form, arrangement, and language must be molded to a uniform pattern.

Following an infinite amount of sorting, recasting, rewriting, staff references, and conferences, there is emerging a restatement which when perfected will be—*The Army Code.*

During revision and restatement, records and tables are being compiled so that the bill to enact the Code may be accompanied both by full explanation of involved rearrangements of text and language, and by recommendations for specific repeal of old and outworn laws, to avoid the curse of "all laws in conflict herewith are repealed," which saddles the hapless administrator with an impossible question which the legislator has been unwilling or too lazy to settle.

The completed Army Code will be embodied in a bill for enactment into substantive law which there seems little reason to doubt that Congress will adopt as willingly as it did the new Titles 18 and 28 in the last session.

When, thereafter, The Army Code appears as one of the titles of "The United States Code," it will have ceased to be an incomplete collection of *prima facie* evidence of the law, and will have become *the primary, authoritative statement of all law relating to the Army.* The Army law will at last be a simple, straightforward, logically-arranged statement of Congressional policy, susceptible of convenient use, and of orderly amendment by changes classifiable to the whole body of the law by Part, Chapter, and Section.

More than a century ago, Jeremy Bentham, in his GENERAL VIEW OF A COMPLETE CODE OF LAWS, said "The object of a code is that everyone may consult the law of which he stands in

need, in the least possible time. Citizen, says the legislator, 'what's your condition? Are you a father? Open the chapter Of Fathers. Are you an agriculturist? Consult the chapter Of Agriculture.' . . . A code framed upon these principles would not require schools for explanation, would not require casuists to unravel its subtleties. It would speak a language familiar to everyone; each one might consult it at his need. It would be distinguished from all other books by its greater simplicity and clearness . . ."

The Army Code's editors hope, when the job is finished, to say with pride and confidence: "Are you a soldier? Open the chapter Of The Army." But at least one of them is a California lawyer who knows well that codes are not panaceas.

The Army Code should save untold thousands of man-hours by making the law—the basis of the soldier's and the Army's rights—far more accessible to officers and men who are not legal specialists. It will not, however, dispense with the need for the Judge Advocate nor lessen the absolute necessity of obtaining professional advice when important issues are involved. On such occasions, he who is his own lawyer will as always, in the Army or out, have a fool for a client.

Silver Memories

Compiled from the Daily Journal of May, 1924
By A. Stevens Halsted, Jr., Associate Editor

Judge **Harry A. Hollzer** has been appointed to the local Superior Court bench as the successor to Judge **John W. Shenk.** This appointment by Governor Richardson came as a surprise, Judge Hollzer not having been a candidate. Judge Hollzer was reared in California. He was educated in San Francisco and at the University of California where he graduated in 1902. From 1902 until 1909 he practical law in San Francisco, then moved to Los Angeles where he has since practiced.

* * *

Superior Judge **Leslie R. Hewitt** has resigned after eleven years on the local bench. He will resume private practice as a partner of **Guy F. Crump.** Following his graduation from the University of California, Judge Hewitt studied law in Los Angeles, became City Attorney and Chief Counsel for the Harbor Commission, before his appointment as Superior Judge.

* * *

Buron R. Fitts will assume new duties as Chief Deputy District Attorney in the place of **Charles Fricke,** who has requested a transfer to the trial of criminal cases. Fitts has been serving as Chief Trial Deputy.

* * *

Henry I. Dockweiler, for the past two years secretary of the American Legation at Santo Domingo and formerly charge d'affaires to the Republic of Haiti, is visiting Los Angeles on leave of absence before assuming new duties at the American embassy in Madrid.

The 1921 appropriation of $10,000 by the Legislature for restoration of the San Diego Mission has been held unconstitutional and void by the District Court of Appeal in Frohlinger v. Richardson.

* * *

President Coolidge vetoed the soldiers' bonus insurance bill, after passage by both houses of Congress by overwhelming majorities. His reasons were the broad ground of public economy and the necessity of keeping down governmental expendi-

* * *

John H. Cragin has been appointed Deputy City Attorney by City Attorney **Stephens.**

* * *

It is rumored that **Francis J. Heney,** a noted California prosecutor of criminals, will probably defend U. S. Senator Burton K. Wheeler of Montana recently indicted by a Federal Grand Jury in that State.

* * *

The right of physicians to prescribe intoxicating liquor for *medicinal* purposes is pending before the U. S. Supreme Court. Counsel for the brewers assert that Congress can legislate only to restrict the use of intoxicating liquors for *beverage* purposes.

* * *

John Hunt, former Superior Court Judge in San Francisco and veteran jurist of California, having served 41 years on the bench, has died following a brief illness. Judge Hunt was elected to the bench in 1879 when the second California Constitution went into effect.

* * *

Governor Richardson has called a special session of the legislature to act upon the rapidly spreading cattle "hoof and mouth" epidemic in the State.

THE THREE LAWS OF PEACE

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Article 15 provided in part as follows:

> "If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration *or judicial settlement* in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof."

LEGAL LITERATURE AT ITS BEST

In the Covenant of the League of Nations we have, in this writer's opinion, the finest piece of legal literature the world has known, not comparing it with the Ten Commandments. This appraisal of the Covenant is based on three factors: (1) its conciseness in relation to the magnitude of its purpose and the vastness of its scope; (2) the purity, simplicity and clarity of its language; (3) its honest recognition of the fact that the three laws of peace are necessary to provide a constitutional foundation for any wise, sincere and courageous attempt to put an end to war.

Refusal of the world's greatest economic power and greatest military potential, the United States of America, to join the League of Nations foredoomed it not to total failure, but to inadequacy of force, moral and material, to meet the terrible problems that lay ahead. Out of the tragic consequences has come a chain of makeshift measures to bolster men's hopes for peace, or, if not peace, victory.

In March, 1945, before the end of World War II, the Inter-American Conference on Problems of War and Peace adopted the Act of Chapultepec, which declared that "every attack of a State against the integrity or the inviolability of the territory, or against the sovereignty or political independence of an American State" should be considered an act of aggression against the other signatories. Thus a basic principle of the League of Nations, the first law of peace, was again called into service, but for the protection of only a part of the world.

MASTERFUL EVASION, THE UNITED NATIONS

In sharp contradistinction to the Covenant of the League of Nations, the Charter of the United Nations masterfully evades an

immediate binding commitment to the establishment of any of the three laws of peace. As a vehicle for international cooperation in projects such, for example, as those of its Food and Agricultural Organization, as a meeting place and a forum where, perhaps, we can come to better understand one another and learn the give-and-take required in peaceful adjustments, and as a vehicle for mediation and persuasion, the United Nations has possibilities justifying our support and giving some encouragement to our hopes. But in so far as it has been represented as a constitution establishing a legal basis for peace and substituting law for violence in the settlement of international controversies, it is a sham, and may even constitute a fraud upon the peoples of the earth. It is not a fraud upon their governments, because their governments brought the document into being, and no government has been fooled by it. Many, if not all, of them are preparing for war as never before in times of peace, and we have in our own country the first peace-time draft of boys and young men for military service!

POWER GROUPS, CHILDREN OF THE U. N.

That the United Nations is an elaborate and ostentatious institution with lofty preambles, but without legal vitality, has been pointedly demonstrated by events following its creation. Nations have been compelled to do for themselves, in groups and areas, what the United Nations failed to do for all.

In 1947 in Rio de Janeiro, twenty Latin-American countries and the United States entered into an agreement providing that "an armed attack by any State against an American State" would be "considered as an attack against all the American States" and that each of the countries undertook to meet such an attack. Thereafter, the nations of Britain, France, Belgium, The Netherlands and Luxembourg entered into a similar agreement known as the Brussels Pact, providing that, if any one of the contracting parties should be the object of an armed attack in Europe, all the others would "afford the party so attacked all military and other aid in their power." And now we have the North Atlantic Security Alliance wherein "the parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all," and in

*THE EXECUTOR**

By Edgar A. Guest

I HAD a friend who died and he
On earth so loved and trusted me
That ere he quit this worldly shore
He made me his executor.

He tasked me through my natural life
To guard the interests of his wife;
To see that everything was done
Both for his daughter and his son.

I have his money to invest
And though I try my level best
To do that wisely, I'm advised,
My judgment oft is criticized.

His widow, once so calm and meek
Comes, hot with rage, three times a week
And rails at me, because I must
To keep my oath, appear unjust.

His children hate the sight of me,
Although their friend I've tried to be
And every relative declares
I interfere with his affairs.

Now when I die I'll never ask
A friend to carry such a task
I'll spare him all such anguish sore
And leave a hired executor.

*

THIS POEM is reprinted through the courtesy of the copyright owner, with the suggestion that, if you are impressed by Mr. Guest's logic, henceforth in appropriate cases you will recommend to your clients that they name Union Bank & Trust Co. of Los Angeles in their wills as executor and trustee. Our trust officers are always interested in conferring with attorneys and their clients to the end that estates and beneficiaries will receive maximum protection and benefits. Union Bank & Trust Co. is located at 8th & Hill and our telephone number is Madison 68441.

* * *

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such an event, all, "individually and in concert" shall take appropriate action.

These agreements carry profound significance. They were made necessary by the congenital weakness of the United Nations and the kind of world in which we live. Were it not for the limited field of their palladium, they would be perfect examples of the application of the first law of peace. They demonstrate how naturally we turn to that law for protection. But in the restriction of their coverage, they mark the difference between dividing the world into groups and uniting it as one group. Yet, they can be steps to the greater goal.

PRACTICAL PROBLEMS OF IMPLEMENTATION

When we consider how to put into effect the three laws of peace, we are confronted by a number of practical problems, which may best be presented by a series of questions.

QUESTION: Assuming that many nations are willing to join in a compact that will establish for all nations of the earth the three laws of peace, would the concurrence of all nations in the covenant be necessary, and particularly would Russia be a necessary party?

The writer's own answer to that question is that the United States, because of its supremacy in economic and military power, would be a necessary party. The truth of that statement, he thinks, was proved by the failure of the League of Nations. He believes that most of the other nations would welcome the opportunity to join the United States in such a program, but that the signature of every one would not be necessary. If Russia were to refuse, her refusal would be convincing evidence that all the other powers ought to join in the pact. It is doubtful that she or any nation would declare war against all or nearly all the other nations of the world, either expressly by words or in effect by acts. It would be better for the rest of the world that a nation refuse to join in such a compact than that she join with secret reservations, without moral conviction and without a profound intention to abide by and enforce the covenant.

QUESTION: Under a compact establishing the three laws of peace, how would undue preparation for war and fifth-column activities be dealt with?

They could be and ought to be regarded as the making of aggressive warfare against another nation. The facts first would have to be established by a council or commission. Then a notice to desist would be given. The failure of the offending nation to abide by that notice would be deemed to be an act of war against all the contracting parties.

APPEALING FROM A WORLD COURT

QUESTION: In every enlightened system of jurisprudence the loser in litigation has a right of appeal. What appellate procedure might be established in a world court?

Let us assume that the world trial court is to be vested with authority to issue such emergency restraining orders or directives as might be necessary to preserve the possibility of ultimate justice. In such circumstances, the right of appeal fittingly could be recognized, and wisely could be provided for. The writer's own suggestion is that appeals be taken to the state departments of all the contracting parties, an appeal to be perfected by the filing of a transcript or bill of exceptions and written briefs. Each state department would cast one vote whether or not to uphold or modify the judgment of the trial court. To be upheld a judgment would be required to receive a majority vote of all contracting parties and also the concurrence of a majority of a certain few nations recognized as being in the highest order of magnitude in military, political and economic interests and power.

The reasons for these suggestions are as follows:

1. Every state department is presumed to include in its staff experts on international law, and certainly can employ the best experts in the nation if that presumption does not hold true at a particular time. Hence the proposed court of review would enlist the world's best experts in international law, with their variety of viewpoints.

2. The nations that would be called upon to enforce the judgment of an international court surely would have the best right to review it. By what other method could we make so certain that behind the enforcement would be not merely a formal and mechanical procedure, but the cooperative moral sanction of a

majority of the world's people and military power? If an appealed judgment should not receive that sanction, whether right or wrong from the idealist's viewpoint, to use force to enforce the decree might not be wise from a practical standpoint.

3. The practice of state departments in studying transcripts, bills of exception and international law for the specific and immediate purpose of determining the merits of judgments of an international court would be a powerful factor in educating the nations in international law and in accustoming them to utilize and respect a regime of law in the settlement of international controversies.

4. Finally, the bringing of all member nations of a league into the responsibility of weighing the virtue of decisions of an international court and of determining where right, wrong, and justice lie in disputes between nations, would be, in itself, an invitation to and an example of good will and of that confidence and trust which are a goal of our striving.

ENFORCING JUDGMENTS

QUESTION: How could the judgment of an international court be enforced?

Possible judgments of a world court may be divided broadly into two kinds. One type would require no affirmative action from either litigant. The decree would order a maintenance of the *status quo* or require no change from it. A litigant could repudiate such a judgment in a way to threaten the world's peace only by taking up arms or resorting to some other act equivalent to an act of war. Such conduct would come within the purview of the first law of peace and would bring the offending nation into a state or war against all signatories.

Another type of judgment would require affirmative action on the part of a litigant, let us say, for example, the payment of indemnity. The enforcement of such a judgment, if defied, would require the exercise of force. The compact for peace should include a covenant to provide for the enforcement of judgments of that type, an agreement that the failure of any nation-litigant to comply with a final judgment of the world court would be deemed to be an act of war against all signatories.

1949 RENT ACT AND REGULATIONS

(Continued from page 261)

The particular relatives for whom occupancy may be obtained are limited to son, son-in-law, daughter, daughter-in-law, father, father-in-law, mother, mother-in-law, stepchild and adopted child. It is to be noted that there is no provision for obtaining occupancy for a brother or sister.

The waiting period for the alterations or remodeling ground is to be three months.

Also when the landlord is a tax exempt organization seeking occupancy for members of its staff—three months.

In order to obtain an eviction for withdrawal from the rental market, it is now necessary for the landlord to petition for an eviction certificate and the waiting period is to be six months.

NOTICES IN CERTIFICATE CASES

As to service of the Notice to Quit after obtaining a certificate, it is our position that the notice may not be served on the tenant until the certificate has been issued. It is specifically provided in the Regulations that the notice shall not demand surrender of possession "until after the expiration of the waiting period."

When a suit is based on any eviction certificate, our view is that no copy of the Notice to Quit need be filed with the Area Rent Office, nor a notice of filing of action.

PROTECTION FOR SUB-TENANTS

If a landlord evicts a tenant and there are sub-tenants in possession, the sub-tenants have the protection of Rent Regulations, if the "rental agreement between the landlord and tenant contemplated the subletting by the tenant of the entire combinations or substantially all of the individual units therein." (Sub-section G(1) of Section 6.)

ISSUE FOR COURT IN CERTIFICATE CASES

Eviction certificates issued by the Rent Director will contain a condition or purpose for which the certificate is to be used. The Court may determine whether it is the intention of the land-

lord to comply with this condition. *Cowles v. Stearns,* Civ. Appeal No. 5888, L. A. Municipal Court No. 695053. In this case the Court said, "The certificate stated a condition that 'eviction is authorized only for occupancy by plaintiff.' In order to recover herein he must plead and prove a compliance with this condition, that is, that he seeks possession of the property for self-occupancy (*Bauer v. Neuzil* (1944), 66 Cal. App. (2d) Supp. 1020). He did neither; hence this reversal."

OTHER PROVISIONS

It should be noted that Section 202(c)(3)(B) of the new Act is the same as Section 202(c)(3)(C) of the 1948 Act and continues decontrol in cases "where the construction was completed on or after February 1, 1945, and prior to February 1, 1947, and which between the date of completion and June 30, 1947, both dates inclusive, at no time were rented (other than to members of the immediate family of the landlord) as housing accommodations."

Another section which is not changed is the section exempting from control "non-housekeeping, furnished housing accommodations located within a single dwelling unit not used as a rooming or boarding house, but only if (A) no more than two paying tenants, not members of the landlord's immediate family live in such dwelling unit ,and (B) the remaining portion of such dwelling unit is occupied by the landlord or his immediate family."

The section regarding decontrol of trailers or trailer space is modified by the new Act so that trailers or trailer space are *not* decontrolled unless they are "used exclusively for transient occupancy."

The last section of the new eviction regulations entitled "Pending Cases" is not applicable to pending cases in which an eviction certificate is now required. This makes it necessary, even though notice has been served, to go back and obtain a certificate from the Expediter. The regulation does authorize the Expediter to reduce the waiting period "taking into consideration the time elapsed since notice was given."

NEW SUPERIOR COURTS BUILDING

(Continued from page 259)

include the difference between that figure and the $10,000,000 either in this year's budget or split between this year's budget and next year's budget. It was estimated that actual construction could not be begun before July 1, 1950. The Supervisors went on record favoring a uniformity of design between the new Municipal Courts Building to cost $5,000,000 and the Superior Courts Building. It was suggested that if possible a certain similarity to the Federal Building be maintained. In the final meeting of the Supervisors it was pointed out that building costs now are down 6% and that 10% further reduction could be anticipated in this "buyer's market" and ample labor pool.

The people of Los Angeles County have felt for a long time the dire need for a new Superior Courts Building to house the civil departments. Litigants, jurors, witnesses, court officials and attorneys have for a long time been confused and inconvenienced by the geographical spread of the courtrooms. From as far north of the Hall of Records as New High and Republic and as far south as the Wilcox Building at Second and Spring, "temporary courts" have been set up in buildings adjacent to the Hall of Records such as the Law Building, the Broadway Temple Building and the bungalows on Plaza Justitia on the site of the Courthouse demolished by the earthquake of 1933.

Municipal authorities, including Mayor Fletcher Bowron, have been most unhappy over the amount of space used by the 24 Superior Courts in the City Hall Tower and paid for at a rate considerably lower than the market price on similar space in comparable buildings. Mayor Bowron vehemently speaks his mind on the subject because it has been necessary to maintain city departments in buildings already condemned by the Fire and Health authorities and at considerable distance from the City Hall. The courtrooms in the small buildings have in many instances been little better than cubbyholes, and even in the Hall of Records it has been necessary to hold court in what amounts to small ante-rooms.

The most recent estimate was that more than 8,000 civil cases are awaiting trial in the Superior Court which would require 10 additional judges 2 to 3 years to try, provided such additional

judges were made available by the California judicial council depending upon the availability of court facilities. The bringing in of judges from other counties has always placed additional financial burdens on the taxpayers, and the amount of time lost in going from building to building has wasted thousands of dollars every month of the taxpayer's money.

Too much praise cannot be given Judge Ingall W. Bull for his untiring efforts as a chairman of the Judges Courthouse Committee and to Judge Samuel R. Blake, his predecessor, and members of their respective committees; presiding judge Clarence L. Kincaid has been very active in seeking the new courthouse and we must express appreciation of the splendid cooperation of County Counsel Harold W. Kennedy; General Wayne Allen; V. M. Janney, Secretary of the Superior Court and Jury Commissioner. Many thousands of dollars have been spent in remodeling old buildings in the north section of Los Angeles for courtroom purposes. The Los Angeles Bar Association should present its compliments to Supervisors William A. Smith, Raymond V. Darby, Roger W. Jessup, Leonard J. Roach and John Anson Ford for their commitment to get busy at once on the new courthouse.

The newspaper publishers of Los Angeles should be praised for their cooperation in publishing news articles showing the deplorable court conditions under the present set-up; and, in case you are not sure of all their names, included are Dr. Frank F. Barham, publisher Evening Herald-Express; Manchester Boddy, publisher Daily News; Norman Chandler, publisher Los Angeles Times; Richard Carrington, Jr., publisher Los Angeles Examiner; Harlan G. Palmer, publisher The Hollywood Citizen-News; Virgil Pinkley, editor and publisher The Mirror; and Russell Quisenberry, publisher The Valley Times. In addition Elmer Cain, editor of the Los Angeles Daily Journal, is to be highly complimented for the articles published in that legal newspaper.

A splendid job of fact finding was done by John Hackstaff, secretary of the Judges Courthouse Committee. Mr. Hackstaff's compilations of data and figures from the archives served as a guide for planning the project.

The trustees and officers of Los Angeles Bar Association of past years all contributed generously towards the accomplishment of this great civic need.

Report of Federal Courts Defense Committee

(Continued from page 258)

but they have all died in the committee. We believe and recommend that such legislation should be enacted and that the Association should actively sponsor such legislation.

Some of the panel members have suggested that publicity should be given of the work performed by the committee as part of the program of informing the public of work performed by attorneys without compensation, of a nature somewhat comparable to that of legal aid foundations.

We have received splendid cooperation from United States Attorney James M. Carter and his Assistants, from the Clerks of the United States District Court, the United States Marshal, and the Probation Officers.

The Judges have been most kind in expressing their acknowledgment of the work done by the committee and panel members and have cooperated with the committee in the performance of its functions.

Attached are excerpts from communications received from some of the Judges.

To the panel members who have so generously devoted their time and talents to this work are due the gratitude and thanks of all members of the Bar.

EXCERPTS FROM COMMUNICATIONS RECEIVED FROM SOME OF THE JUDGES

JUDGE BEN HARRISON wrote:

"I wish to commend your committee for the intelligent and able service furnished these unfortunates."

JUDGE J. F. T. O'CONNOR wrote:

"I want to thank your Committee for the fine service that was rendered to this court over the past six months while I had charge of our criminal calendar.

"I found the lawyers assigned to be competent, interested in their work, and of great assistance to the court.

"You deserve much credit for the interest you have taken in supplying attorneys for indigent defendants."

JUDGE WEINBERGER in open court stated:

"At the beginning of this proceeding, I should like to take occasion to compliment counsel for both plaintiff and the defendants upon their industry and cooperation in aiding the Court to determine a problem which has, indeed, proven a difficult one. Their briefs have been thorough, their arguments exhaustive. My appreciation of these things is heightened and intensified by the fact that three of the defendants, as indigents, have been represented by appointed counsel. I feel that in expressing the grati-

tude of this Court to such attorneys for their service, I should also at this time commend the Committee of the Bar Association upon its choice of attorneys for this work. The defendants in this case, three of whom are guilty of a crime by their own confessions, and two of whom pleaded guilty in the first instance, have had every possible assistance in presenting their defense. . . . this I consider but another fine example of our American system of administering criminal justice."

JUDGE PEIRSON M. HALL WROTE:

"Let me again thank you and the members of the Bar Committee, and commend you most highly for the fine public service you and your Committee have rendered."

Judges Mathes, Beaumont, McCormick and Yankwich have verbally expressed similar thoughts to the committee members.

ACTION OF THE BOARD OF TRUSTEES

The Board of Trustees adopted on February 11, 1949, the following resolutions advocating the adoption by Congress of appropriate legislation to provide a public defender in the federal courts:

WHEREAS, the right of persons accused of crime to appear and be represented by counsel is an integral part of due process of law guaranteed by the Bill of Rights, and

WHEREAS, many persons accused of crimes within the jurisdiction of the Courts of the United States are without sufficient means or resources to employ counsel to represent them and as a result obtain such representation only through counsel appointed by the Court who act without compensation, and

WHEREAS, the cost of providing such unfortunate persons with the representation guaranteed them by our Constitution should properly be a cost of the administration of justice rather than of the individual lawyer or lawyers appointed to represent them, and

WHEREAS, the problem of providing adequate and competent representation for persons without sufficient means to employ counsel has been successfully solved in many large cities and states by the establishment of a Public Defender system, and

WHEREAS, H. R. 514 introduced in the House of Representatives of the Eightieth Congress on January 6, 1947, would, if enacted, have established such a system in the District Courts of the United States, NOW, THEREFORE,

BE IT RESOLVED that it is the sense of the Board of Trustees of the Los Angeles Bar Association that a Public Defender system, substantially as set forth in said H. R. 514, should be established in the Courts of the United States.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to each United States Senator and Representative from the State of California with the request that they procure the introduction, and actively support the enactment, of legislation in the present Congress which will authorize and provide for the establishment of such a system in the Courts of the United States.

TEXT OF H. R. 514

H. R. 514, referred to in the foregoing resolutions, reads as follows:

A BILL

To provide for the appointment of public defenders in the district courts of the United States.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That each district court of the United States may appoint a public defender. In any district where terms of court are held in two or more places, the court may appoint a public defender at each such place. Whenever a district court is satisfied that the number of cases assigned to a public defender is greater than can be conveniently conducted by him, the court may appoint one or more assistant public defenders to render aid to the public defender. Public defenders or assistant public defenders appointed

under this Act may be full-time or part-time officers as the volume of work in the judgment of the court may require. Whenever it appears to the satisfaction of a court in which there is a public defender that any person charged in said court with a felony or misdemeanor (other than a petty offense, as defined by section 335 of the Criminal Code) is unable to employ counsel, the court shall assign the public defender to act as counsel for such person with respect to such charge: PROVIDED, That if in any case there are indigent defendants with such conflicting interests that they cannot all be properly represented by the same counsel, the court may appoint counsel separate from the public defender for one or more of them and provide for the compensation and reimbursement of expenses of such counsel in the same manner as is provided for counsel appointed under section 3 of this Act. It shall be the duty of the public defender to act as counsel for each defendant to whom he is assigned at every stage of the prosecution, unless after the assignment the court is satisfied that the defendant is able to employ other counsel. Each district court by which a public defender is appointed may adopt appropriate rules governing his conduct subject to general regulations on the subject, which may be adopted by the Judicial Conference of Senior Circuit Judges.

SEC. 2. Each public defender and assistant public defender shall be paid a salary based upon the service to be performed, in no case exceeding $7,500 per annum, to be fixed by the Judicial Conference of Senior Circuit Judges. He shall also be reimbursed for expenses necessarily incurred by him in the performance of his duties when approved by the district court.

SEC. 3. In any district not having a city of more than five hundred thousand population, in which the district court considers that the representation of indigent defendants in criminal cases brought in the court can be provided for more economically by the appointment of counsel in particular cases in which such representation may be deemed requisite than by the appointment of a public defender, and no public defender is appointed, the court may appoint counsel for indigent defendants in such cases. Counsel so appointed may in the discretion of the court be compensated in amounts to be determined by the court upon the conclusion of the service, at a rate not in excess of $25 a day for time necessarily and properly expended in preparation and trial of the case, and may be reimbursed for expenses reasonably incurred in the representation and approved by the court: PROVIDED, That the aggregate amount expended for compensation and reimbursement of such counsel in any district shall not exceed $3,000 in any fiscal year.

SEC. 4. There are hereby authorized to be appropriated to the United States courts, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this Act. The salaries and expenses of public defenders and assistant public defenders and compensation and expenses of attorneys appointed by the courts to represent defendants in particular cases, above provided for, shall be paid out of appropriations available therefor under the supervision of the Director of the Administrative Office of the United States Courts.

SEC. 5. This Act shall apply to the district courts of the United States in the several States and in the District of Columbia.

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